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Art Unit 3728

RECEIVED

JUN 09 2003

TECHNOLOGY CENTER R3700

Re: U.S. Utility Patent Application
Appl. No. 10/050,048; Filed: January 17, 2002
For: **Closure System**
Inventors: Davis *et al.*
Our Ref: 1073.9370001/DKSC/RLP

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Reply To Requirement For Election Of Species; and
2. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Rae Lynn Prengaman
Agent for Applicants
Registration No. 53,482

DKSC/RLP:dbj
Enclosures

SKGF_DCI:140335.1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Davis *et al.*

Appl. No. 10/050,048

Filed: January 17, 2002

For: **Closure System**

Confirmation No. 1191

Art Unit: 3728

Examiner: Marie D. Patterson

Atty. Docket: 1073.9370001/DKSC/RLP

#10
Election
E. faytm
6/11/03

Reply To Requirement For Election Of Species

RECEIVED

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

JUN 09 2003

TECHNOLOGY CENTER R3700

Sir:

In reply to the Office Action dated May 22, 2002, Applicants hereby provisionally elect species I (directed to a shoe as shown in FIGs. 1-5) and subspecies A (directed to the shoe shown in FIGs. 1 and 2). Claims 1-6, 8-15, 17-20, 24 and 37 read on such species. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

Claims 20, 24 and 37 are generic to all species (I-V). Upon allowance of a generic claim, consideration of claims directed towards non-elected species is respectfully requested. Claims 1-6, 8-15, 17-19 are generic to all sub-species (A-D). Thus, upon allowance of a generic claim, consideration of claims directed to non-elected sub-species is respectfully requested. Applicants assert the right to claim additional species in the event that a generic claim thereto is found to be allowable in accordance with 37 C.F.R. § 1.141(a).

This election is made **without traverse**. However, Applicants do not fully understand the distinction between at least the various subspecies (A-D), nor is it readily apparent how a search addressing all of the subspecies is unduly extensive and

burdensome, particularly because of the large number of generic claims. Consequently, consideration and allowance of all pending claims, are respectfully requested.

It is believed that extensions of time are not required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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